

Judgments Under The *Land Registration Act*

The rules for recording judgments affecting real property at the Land Registration office changed on March 24, 2003. The judgment provisions in the *Registry Act* were repealed by the *Land Registration Act*, which sets out the new judgment process. Please note that the rules for recording judgments against personal property have not been changed. Further regulation changes clarified the address and additional information requirements that came into effect on December 1, 2003.

What are the New Rules for Judgments?

Judgments which were recorded in the Registry of Deeds system before March 24, 2003, are in effect for 20 years from the date the judgment was granted by the Court. These judgments may not be renewed. As of March 24, 2003, judgments recorded at Land Registration Offices are effective for five years from the date of the judgment and may be renewed up to three times, for a total of 20 years. If judgments are not renewed before the end of each five-year period, they can never be renewed and no longer bind the land of the debtor. These provisions apply across the province and affect all judgments recorded in Land Registration Offices.

Are There New Judgment Preparation Rules?

Under the *Land Registration Act*, stricter rules have been established for the preparation of Certificates of Judgment to be recorded at the Land Registration Office. In order to provide better name information for searching judgments, Certificates of Judgment *must* contain:

- the full name and mailing address of judgment creditor and debtor
- sufficient additional information to clearly distinguish the creditor and debtor from other people with the same name
- the judgment amount ordered
- the names of the lawyers for both parties, if applicable

It is the responsibility of the person preparing the judgment to make certain that the names for the creditor and debtor are sufficiently detailed and accurate so as to permit the names to be distinguished from *all other* similar names. This will require additional information, such as date of birth or place of work, to be noted on the Certificate of Judgment. Court and LRO staff will be checking judgments to ensure that they comply with these rules. They will not accept the documents if the information provided is insufficient.

How are Judgments Recorded?

In order for a judgment to bind land owned by a judgment debtor, a *Certificate of Judgment* must be recorded at the Land Registration Office. At the conclusion of the court case, the judgment creditor or lawyer prepares a *Certificate of Judgment* (Form 46) and takes it to the Court office for certification. Once the *Certificate of Judgment* has been issued by the Court it must be sent to the Land Registration Office with the required recording fee.

Satisfaction of Judgments

As was the practice in the past, when a judgment has been paid off, the judgment debtor asks the creditor for a Satisfaction Piece to provide proof that the debt has been paid in full. The judgment debtor then prepares a *Request to Cancel the Recording of a Judgment* (Form 47) and takes it to the Court office with the *Satisfaction Piece*. After the court completes the *Certificate of Satisfaction*, the judgment debtor takes the Form 47 (together with the recording fee) to the Land Registration Office for recording.

Release of Judgments

A judgment may be fully or partially released by the judgment creditor. This is usually done when a judgment is against more than one debtor, or attached to more than one parcel of land. To release one or more of the debtors or a portion of land from the judgment, the judgment creditor must complete the full or partial *Release of Judgment* on Form 48. Either the judgment debtor or the creditor can then prepare the rest of the Form 48, and submit it (together with the recording fee) to the LRO.

Questions?

Call toll-free: 1-800-670-4357 Email: propertyonline@gov.ns.ca Website: <http://www.gov.ns.ca/snsnr/access/land.asp>